
Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2006-2210

Date: February 13, 2007

Notice No. 07-8

Closing Date: March 6, 2007

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. APPLICANT: Guardians of the West Fork Watershed Group
830 Benoni Avenue
Fairmont, West Virginia 26554
Mr. Eleyette, Executive Officer

AGENT: West Virginia Water Research Institute
National Mine Land Reclamation Center
150 Evansdale Drive
Morgantown, West Virginia 26506
Brady Gutta, Project Manager

3. LOCATION: in an unnamed tributary and adjacent wetlands to Lamberts Run, a tributary to the West Fork River, located in Harrison County, West Virginia.

4. PURPOSE AND DESCRIPTION OF WORK: The project proposes to construct a passive treatment system to treat the abandoned mine drainage discharging from two collapsed portals at the Oldaker Site. The treatment system will consist of channels constructed with limestone riprap to collect the water from the portals and direct it to an approximate 1 acre constructed wetland to allow for metal precipitation. The treatment wetland will adversely impact 0.30 acres of existing emergent wetlands and approximately 200 feet of stream channel. The existing wetland is degraded with elevated levels of iron averaging 15 mg/l. The mine drainage is net alkaline with an average pH of 6 but contains high levels of iron ranging from 2 to 28 mg/l, manganese ranging from 2 to 5 mg/l, and aluminum averaging 1.6 mg/l. It is anticipated that this project will restore approximately 3.3 miles of stream channel. A temporary stream crossing will be constructed in the unnamed tributary for construction access on

an existing gravel road. Approximately 400 feet of the stream channel downstream of the treatment system will be fenced to prohibit free access by the livestock and a permanent livestock crossing will be constructed. The project is located on an active farm. Drawings of the proposed project are attached to this notice.

5. WEST VIRGINIA CERTIFICATION: This permit decision will not be made until the State of West Virginia, Division of Environmental Protection (WVDEP), issues, denies, or waives State Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. The applicant must apply directly to the WVDEP for individual water quality certification. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws. Any person wishing to comment, provide information, and/or request a public hearing concerning certification for this project should write to the:

West Virginia Department of Environmental Protection
Division of Water and Waste Management
401 Certification Program
601 57th Street, SE
Charleston, West Virginia 25304
Telephone: 304-926-0495

Re: Public Notice CELRP-OR-F No. 07-8

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as

amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the

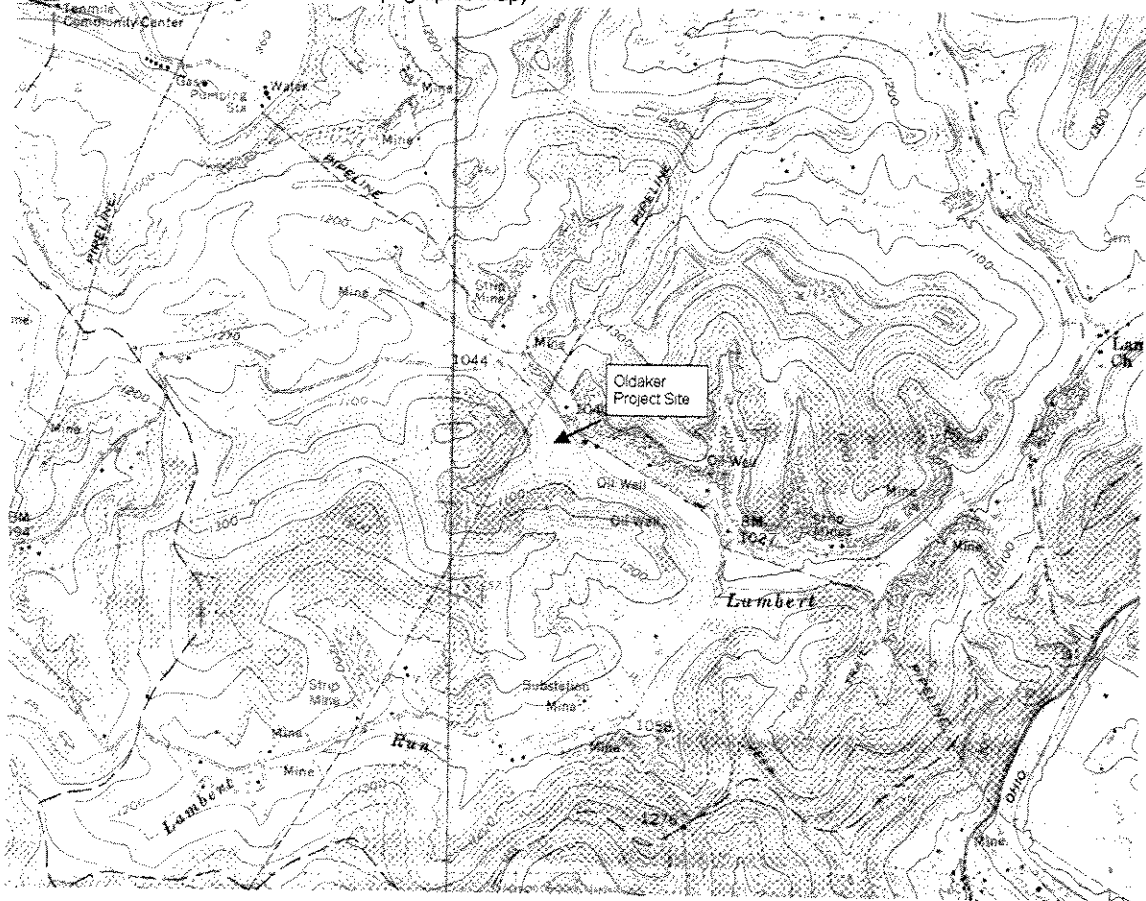
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final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Marcia H. Haberman, at the above address, by telephoning (412) 395-7361, or by e-mail at Marcia.H.Haberman@usace.army.mil. Please refer to CELRP-OP-F 2006-2210 in all responses.

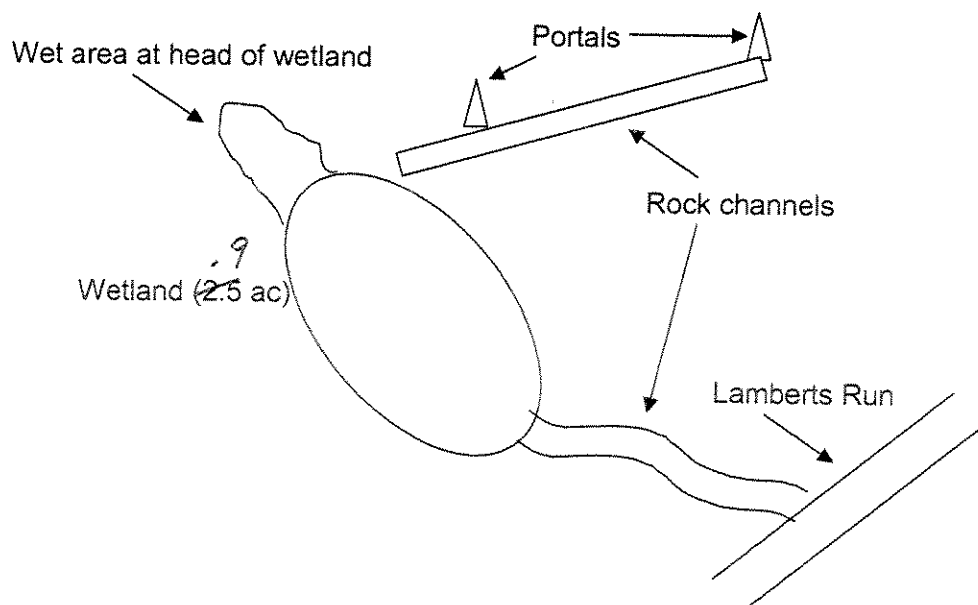
FOR THE DISTRICT ENGINEER:

Michael J. Cummings, Jr.
Chief, Regulatory Branch

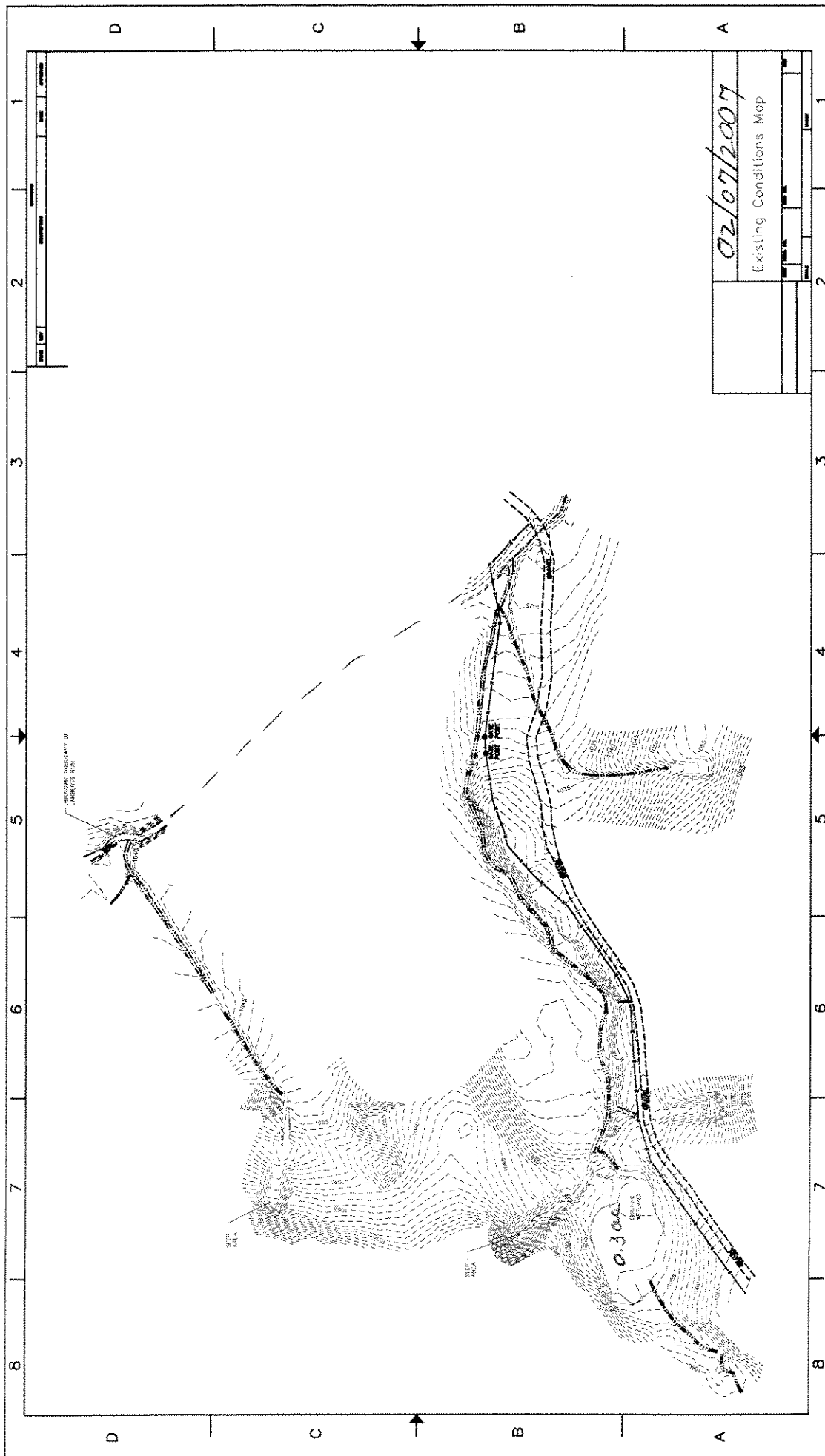
Project Area (Clarksburg USGS 7.5' Topographic Map)



The following illustration is a conceptual design of the project.



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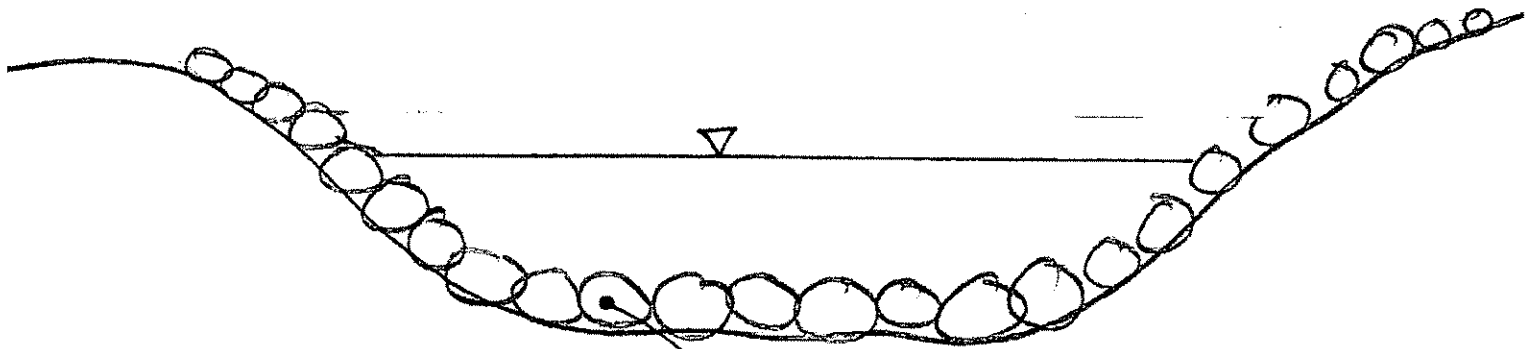


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STREAM CROSSING

- Will be used for VEHICLE as well as livestock

TYPICAL STREAM PROFILE



- 3"-6" LIMESTONE placed in channel as well as flanks to prevent erosion
- APPROXIMATE DEPTH OF LIMESTONE 3"-9"

recd
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